

REMARKS

Claims 1-4, 7-9 are pending. Claim 8 is amended to indicate that the plant propagation material is treated with the composition of claim 2. Support for this amendment is found throughout the specification as originally filed. No new matter is added by this amendment.

The Examiner rejected claims 1-5, 7-8 under 35 USC 103(a) as being unpatentable over Mrozik, U.S. Patent No. 4,831,016. The Examiner urges that Mrozik teaches avermectin derivatives which are useful for controlling pests. Additionally, the Examiner alleges that the avermectin derivatives disclosed in Mrozik embrace Applicants' invention. The Examiner reasons that the reference only differs from the claims by a different generic scope. Applicants respectfully traverse.

Applicants note that claim 5 has been cancelled, so further comment on that claim is unnecessary. With respect to the reference teaching, vis a vis the claims, Applicants note that Mrozik's invention is concerned with avermectin derivatives where the 8,9 double bond (represented in formula III by B) and/or the 10,11 double bond (represented in formula II by A) is reduced to a single bond (see, for instance, col. 2, lines 29-34 and the paragraph bridging columns 2 and 3). In the claimed compounds, both A and B are double bonds; neither is a single bond, which is an essential feature of the Mrozik compounds.

Additionally, Mrozik's group R^5 (which corresponds to Applicants' group R^6 -[CR^3R^5]_p- CR^2R^4 -[CH₂]_n-, when Mrozik's R^4 is either one of the ring systems designated in col. 3, lines 15-30, is hydroxyl, ketone [i.e., =O] or -NR⁶R⁷. This does not include Applicants' group R^6 -[CR^3R^5]_p- CR^2R^4 -[CH₂]_n-, which must be an optionally substituted alkyl group (i.e., *not* hydroxyl, ketone or -NR⁶R⁷, even when n is 0).

Since the compounds claimed in the present claims are outside the scope of Mrozik's genus, none of the obviousness arguments put forth by the Examiner, which all hinge on Applicants' compounds being a species selection within a genus, is tenable. Accordingly, Applicants respectfully request withdrawal of the rejection.

In light of the amendments and arguments set forth herein, Applicants respectfully request allowance of all of the pending claims.

Respectfully submitted,

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